

AUSA: Shaun E. Werbelow

UNITED STATES OF AMERICA

v.

ELIJAH DEFREESE,  
Defendant.

**COMPLAINT**

Violation of 18 U.S.C. § 922(g)(1)

COUNTY OF OFFENSE: ORANGE

23 MJ 6484

SOUTHERN DISTRICT OF NEW YORK, ss.:

ROBERT SOUKERAS, being duly sworn, deposes and says that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and charges as follows:

**COUNT ONE**

(Felon in Possession of a Firearm or Ammunition)

1. On or about September 20, 2023, in the Southern District of New York and elsewhere, ELIJAH DEFREESE, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed ammunition, to wit, .22LR "Federal Ammunition" brand ammunition, and the ammunition was in and affecting commerce.

(Title 18, United States Code, Section 922(g)(1).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") since September 2001, and I have been personally involved in the investigation of this matter. I have received interstate nexus training concerning the location of manufacture of firearms and ammunition and have experience identifying the same. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. Based on my personal involvement in this investigation and my conversations with other law enforcement officers, I have learned, among other things, the following:

a. On or about March 31, 2023, ELIJAH DEFREESE, the defendant, was observed purchasing ammunition at a gun and ammo store located in Milford, PA (the "Gun Shop").

b. DEFREESE purchased three blue boxes of ammunition. The transaction was captured on the Gun Shop's surveillance video, a still image of which is included below:



c. On or about May 24, 2023, I met at the Gun Shop with the sales representative who sold the ammunition to DEFREESE on or about March 31, 2023. The sales representative explained that the ammunition purchased by DEFREESE was .22LR "Federal Ammunition" brand ammunition and was sold by the Gun Shop for \$40 per box.

d. On September 20, 2023 at approximately 6:15 a.m., law enforcement officers executed a search and seizure warrant at the residential trailer where DEFREESE is known to reside in Pine Island, New York (the "Residential Trailer").

e. DEFREESE is known to reside at the Residential Trailer based on his prior interactions with law enforcement and a residential address inquiry across the New York State Parole database, which indicates that DEFREESE's last known residence is the Residential Trailer.

3. During the September 20, 2023 search, law enforcement recovered ammunition in the kitchen of the Residential Trailer, including a blue box containing .22LR "Federal Ammunition" brand ammunition. The box, which states on the outside that it holds 525 cartridges, appeared full or nearly full and had a \$40 price sticker on the top right corner.

4. Based on my training and experience, conversations with other law enforcement officers, and review of ATF documents and records, I conclude that the .22LR "Federal Ammunition" brand ammunition recovered from the Residential Trailer was manufactured in Anoka, Minnesota, outside of New York State.

5. I have reviewed criminal history records pertaining to ELIJAH DEFREESE, the defendant, which show that DEFREESE was convicted on or about October 1, 2007, in Passaic County Superior Court, of (i) Aggravated Assault by Pointing a Firearm, in violation of New Jersey Criminal Code 2C:12-1b(4), and (ii) Terrorist Threats, in violation of New Jersey Criminal Code

2C:12-3, and sentenced on or about March 14, 2008 to 3 years' imprisonment. These records also show that DEFREESE was convicted on or about May 31, 2018, in Orange County Court of Grand Larceny 4th, in violation of New York Penal Law 155.30, and resentenced on or about August 19, 2019, following his violation of probation, to a term of 1 year to 4 years' imprisonment.

WHEREFORE, I respectfully request that ELIJAH DEFREESE, the defendant, be arrested, and imprisoned or bailed, as the case may be.



Robert Soukeras  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me this 20th day of September, 2023.



THE HONORABLE ANDREW E. KRAUSE  
United States Magistrate Judge  
Southern District of New York